IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.366 OF 2007

IN

CRIMINAL APPEAL NO.290 OF 2007

Smt.Shardabai Suresh Kakade : Applicant.

versus

The State of Maharashtra : Respondent

Mr.Vikas Shivalkar i/by Mr.Vipin Bidkar for the applicant.

Dr.F.R.Shaikh, APP, for the State.

CORAM : D.G.DESHPANDE

SMT.NISHITA MHATRE, JJ.

DATED : JUNE 25, 2007.

P.C.

1. Heard learned advocate for the applicant and learned APP for the State. This is an application for bail by the applicant - original

accused No.3. Applicant/accused is a female. She has been convicted under Section 302 r/w 34 of the Indian Penal Code. It is alleged that the applicant/original accused No.3 was holding hands of victim while two of her sons i.e. the other accused inflicted blows with hammer and scythe. There were two eye witnesses. One of them turned hostile and, therefore, only one eye witness remains in this case. The applicant/accused No.3 was on bail during trial. It may be that she was holding hands of victim, but looking to the nature of injuries and use of the weapons, it is clear that any first blow would cripple the victim and reduce his resistance to zero. Therefore, further holding of the hands by this applicant/accused No.3 could not aggravate the circumstance and therefore considering the facts and circumstances of the case, the applicant/accused No.3 entitles for bail. Hence the order :-

:ORDER:

The applicant - original accused No.3 be released on executing her P.R. bond of Rs.7,500/- with one solvent surety in the

like amount.

The applicant - original accused No.3 shall attend the concerned police station in the first week after every two months.

Substantive sentence of the applicant - original accused No.3 is suspended, pending appeal.

The applicant - original accused No.3 shall pay the fine, if any, before she is released on bail.

This application is disposed off.

[SMT.NISHITA MHATRE, J] **[D.G.DESHPANDE,J]**